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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re application of) Group Art Unit: 4193
Andreas Ewald Heinrich BERNARD) Examiner: David H. Banh
et al.)
Application No. 10/564,053)
Filed January 10, 2006)
For: METHOD AND DEVICE FOR)
INFLUENCING THE)
FAN-OUT EFFECT)

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement of April 9, 2008 in the subject U.S. patent application, applicants elect to prosecute, in this application, the invention or group of inventions identified by the Examiner as Group I, directed to a method for affecting a fan-out effect on a printed image on a web. Claims 87, 102-107, 122, 124, 126 and 128 are includable in this group. The election is made with traverse.

Initially, it is believed that the characterization of claims 90, 91, 99, 100, 108 and 130 as being directed to "...providing a device for affecting fan-out of a web..." is incorrect. These claims are very clearly directed to a method for affecting a fan-out effect on a printed image on a web, as recited in the preamble of independent claim 90. Claims 113-121, 123, 125, 127, 129 and 131 are directed to a device for affecting a fan-out effect and a lateral registration of a web being printed. Claims 90, 91, 99, 100, 108 and 130 should be a separate Group, as should claims 113-121, 123, 125, 127, 129 and 131. Alternatively, and for the reasons set forth below,

claims 90, 91, 99, 100, 108 and 130 should be combined with the method claims of groups I and II as a single group.

The Examiner has admitted that the claims of both of Groups I and II are all classified in class 101, subclass 484. All of the claims in these two groups, as well as the method of claims 90, 91, 99, 100, 108 and 130 are ultimately directed to a method for affecting a fan-out effect on a printed image on a web. In all of these methods, a location of an image or a reference point on the web is noted and is used to operate a device that affects the fan-out or lateral spreading of the web. It is not understood how at least two asserted different inventions or groups of inventions, which are admitted by the Examiner as being classified in the same subclass of the same class are different inventions or groups of inventions for purposes of search.

The Examiner's argument with respect to the lack of the same or corresponding technical features between Groups I and II is incorrect. It is asserted that Group I is drawn to detecting deviation from image points on a printed image and that Group I does not teach determining a distortion of the image area and affecting a lateral registration control means to respond to that distortion. Claim 87 recites the step of determining the deviation of image points from a reference position. Would that not constitute a determination of a deviation of an image area? If image points of a printed image deviate from reference points, would not the image with the deviating points be distorted? Claim 87 then recites providing an actuating member for affecting the fan-out effect and sending an actuating command to the actuating member where the deviation exceeds a normal value. Claim 88 recites providing a lateral registration and control device. Fan-out of the web affects lateral registration. The sensing of the distortion of the image area and the use of that distortion to control a lateral registration device is believed to be the same special technical feature as is recited in claim 87.

Claim 90, as indicated above, is a method claim, not a device claim, as asserted in the Restriction Requirement. Its asserted classification in class 101, subclass 480, which is directed to a "Press Part or Attachment" is clearly incorrect. Since it also recites a method for affecting a

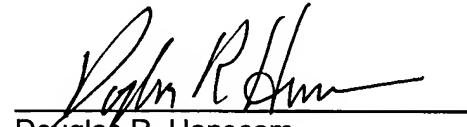
fan-out effect, it should also be classified in subclass 484, which is directed to condition responsive processes. Claim 90 also recites the steps of detecting a printed image using a sensor and using the value from the sensor for operating a device for affecting fan-out of the web.

It is respectfully requested that the Examiner reconsider the asserted Group of inventions or Groups of inventions and correct the erroneous inclusion of method claims 90 and its dependent claims in the same group as the device claim 113 and its dependent claims. It is further requested that the Examiner combine Groups I and II, together with claim 90 and its dependent claims into a single group and to then issue an Office Action on the merits of all of the method claims.

Respectfully submitted,

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